

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD MACKAY, JR.,

Plaintiff,

v.

Case No. 14-14097

FORD MOTOR COMPANY,

HON. TERRENCE G. BERG

HON. MONA K. MAJZOUN

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 21)

This matter is before the Court on Magistrate Judge Mona K. Majzoub's July 7, 2015 Report and Recommendation (Dkt. 21), recommending that Defendant's motion to dismiss (Dkt. 11) be granted, and that Plaintiff's motion for emergency relief (Dkt. 5) and Defendant's motion to strike Plaintiff's second response (Dkt. 19) be denied as moot. Magistrate Judge Majzoub also recommended that Plaintiff be afforded the opportunity to amend his complaint. Neither party filed objections to Magistrate Judge Majzoub's report and recommendation, and the time to do so has passed.¹

The Court has reviewed the Magistrate Judge's report and recommendation. The law provides that either party may serve and file written objections "[w]ithin

¹ Following Magistrate Judge Majzoub's report and recommendation, Plaintiff filed a motion for judgment (Dkt. 23), which Magistrate Judge Majzoub has taken under advisement (Dkt. 23). Plaintiff also filed an amended complaint (Dkt. 26), as Magistrate Judge Majzoub's report and recommendation permitted Plaintiff to do. Defendant recently moved to dismiss Plaintiff's amended complaint (Dkt. 28). Plaintiff has not yet responded to Defendant's motion to dismiss, but he has until September 21, 2015 to do so.

fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept Magistrate Judge Majzoub’s report and recommendation of July 7, 2015, as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Majzoub’s Report and Recommendation of July 7, 2015 (Dkt. 21) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant’s motion to dismiss Plaintiff’s original complaint (Dkt. 11) is **GRANTED**, Plaintiff’s motion for emergency relief (Dkt. 5) is **DENIED AS MOOT** and Defendant’s motion to strike (Dkt. 19) is **DENIED AS MOOT**. This case remains pending, and is not closed. Plaintiff’s motion for judgment (Dkt. 23) and Defendant’s motion to dismiss Plaintiff’s amended complaint (Dkt. 28) remain unresolved, and are re-referred to Magistrate Judge Majzoub for an additional report and recommendation.

SO ORDERED.

Dated: September 3, 2015

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on September 3, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager